UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,961	05/30/2001	Barbara S. Slusher	264/239	7379

29728 7590 10/23/2002

GUILFORD PHARMACEUTICALS C/O
FOLEY & LARDNER
3000 K STREET, NW
WASHINGTON, DC 20007-5143

EXAMINER	
FAY, ZOHREH A	
ART UNIT	PAPER NUMBER
1614	

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/866,961	Slusher et al.
Examiner	**Art Unit**
Zohreh Fay	1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims *1-49* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Restriction to one of the following inventions under 35 USC 129.

Group I, claims 3-7, drawn to the use of compound of formula I for the treatment of retinopathy, age related maculate degeneration and glaucoma classified in class 514, subclass 572 and 573.

Group II, claims 8-12, drawn to the use of compounds of formula II, III, IV and V for the treatment of retinopathy, age related maculate degeneration and glaucoma classified in class 514, subclass 572,573 and 702.

Group III, claims 13-15, drawn to the use of compound formula VI for the treatment of retinopathy, age related macular degeneration and glaucoma, classified in class 514, subclass 403.

Group IV, claims 16-18, drawn to the use of compound of formula VII, for the treatment of retinopathy, age related macular degeneration and glaucoma classified in class 514, subclass 252.1,256 and 222.2

Group V, claims 19-21, drawn to the use of compound of formula VIII, for the treatment of retinopathy, age related macular degeneration and glaucoma, classified in class 514, subclass 252.1 256, 222.2, 228.8 and 277.

Group VI, claims 22-24, drawn to the use of compound of formula IX for the treatment of retinopathy, age related macular degeneration and glaucoma, classified in class 514, subclass 252.1 222.2, 228.8 and 567.

Group VII, claims 25 and 26, drawn to the use of compound of formula X for the treatment of retinopathy, macular degeneration and glaucoma, classified in class 514, subclass 568.

Group VIII, claims 27 and 28, drawn to the use of compound of formula XI, for the treatment of retinopathy, macular degeneration and glaucoma, classisified in class 514, subclass 568 and various different subclass based on the heteroaryl ring.

Group IX, claims 29-30, drawn to the use of compound formula XII, for the treatment of retinopathy, macular degeneration and glaucoma classified in class 514, subclass 568 and various different subclass based on the heteroaryl ring.

Group X claims 31-36, drawn to the use of the compound of formula XIII, for the treatment of retinopathy, macular degeneration and glaucoma, classified in class 514, subclass 568.

Group XI, claims 37-42, drawn to the use of compound of formula XIV, for the treatment of retinopathy, macular degeneration and glaucoma, classified in class 514, subclass 576, 532 and various different subclasses bases of the heteroaryl ring.

Group XII, claims 43-48, drawn to the use compound formula XV, for the treatment of retinopathy, macular degeneration, and glaucoma classified in class 514, subclass 576 and various different subclass based on the heterocyclic rings.

Claims 1,2 and 49 will be examined with any elected group.

Applicant is requested to elect one of the formulas of II, III, IV or V if Group II is elected.

The above delineated inventions are independent and patenably distinct each from another. Each of the above groups is directed to totally different chemical structure. One practicing the invention of one of the above groups would not necessarily be required to practice the invention of any of the other groups. The search for the above groups would not be co-extensive particularly as to the literature search required. Each of the

above groups is capable of supporting its own patent. Thus, restriction for examination purpose is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Fay/dl

October 2,2002

ZOHREH FAY
PRIMARY EXAMINER
GROUP 1200